

1 **ARTICLE 3**

2 RELATING TO GOVERNMENT REFORM AND REORGANIZATION

3 SECTION 1. Section 21-36-3 of the General Laws in Chapter 21-36 entitled “The  
4 Interagency Food & Nutrition Policy Advisory Council Act” is hereby amended to read as follows:

5 **21-36-3. Council composition.**

6 There shall be an inter-agency food and nutrition policy advisory council which shall  
7 consist of ~~seven (7)~~ nine (9) members: the director of health, or his or her designee; the director of  
8 environmental management, or his or her designee; the director of administration, or his or her  
9 designee; the director of the department of human services, or his or her designee; the director of  
10 the office of healthy aging, or his or her designee; the director of the department of corrections, or  
11 his or her designee; the secretary of commerce, or his or her designee; the director of the department  
12 of children, youth & families, or his or her designee; and the commissioner of elementary and  
13 secondary education, or his or her designee. The members of the commission shall elect a  
14 chairperson from among themselves.

15 SECTION 2. Section 24-8-27 of the General Laws in Chapter 24-8 entitled “Construction  
16 and Maintenance of State Roads” is hereby amended to read as follows:

17 **24-8-27. ~~“Bridge” defined—Responsibility for smaller structures~~“Bridge” defined -**  
18 **- Responsibility for structures.**

19 (a) The word “bridge” as used in this chapter shall be a structure including supports erected  
20 over a depression or an obstruction, such as water, highway, or railway, and having a track or  
21 passageway for carrying traffic or other moving loads, and having an opening measured along the  
22 center of the roadway of eight (8) feet or more between under copings of abutments, spring lines  
23 of arches, or the extreme ends of openings for multiple boxes; it also includes single or multiple  
24 pipes where the clear distance between openings of multiple pipes is less than half of the smaller  
25 contiguous opening. ~~any structure not less than five feet (5') in width. Any structure less than five~~  
26 ~~feet (5') in width lying in any highway now being or hereafter becoming a part of the state highway~~  
27 ~~system shall be constructed, repaired or reconstructed at the expense of the state.~~

28 (b) The State will be responsible for the following related to bridges, as defined above:

29 (1) Reporting of inspection and load rating findings for National Bridge Inventory (NBI)  
30 bridges on all roadways.

- 1           (2) Construction and maintenance costs of:  
2           (i) Bridges on state owned roads  
3           (ii) Structures less than eight (8) feet on State roads  
4           (ii) Other state-owned structures unless otherwise agreed upon.  
5           (c) The State is not responsible for construction or maintenance costs for bridges or smaller  
6 structures it does not own.  
7           (d) Performing inspections or load ratings on any bridge or structures less than eight (8)  
8 feet by the State for public safety does not constitute ownership or responsibility of the structure.

9           SECTION 3. Section 30-25-14 of the General Laws in Chapter 30-25 entitled "Burial of  
10 Veterans" is hereby amended to read as follows:

11           **30-25-14. Rhode Island veterans' memorial cemetery.**

12           (a) The Rhode Island veterans' memorial cemetery, located on the grounds of the Joseph  
13 H. Ladd school in the town of Exeter, shall be under the management and control of the director of  
14 the department of human services. The director of the department of human services shall appoint  
15 an administrator for the Rhode Island veterans' memorial cemetery who shall be an honorably  
16 discharged veteran of the United States Armed Forces and shall have the general supervision over,  
17 and shall prescribe rules for, the government and management of the cemetery. He or she shall  
18 make all needful rules and regulations governing the operation of the cemetery and generally may  
19 do all things necessary to ensure the successful operation thereof. The director shall promulgate  
20 rules and regulations, not inconsistent with the provisions of 38 U.S.C. § 2402, to govern the  
21 eligibility for burial in the Rhode Island veterans' memorial cemetery. In addition to all persons  
22 eligible for burial pursuant to rules and regulations established by the director, any person who  
23 served in the army, navy, air force, or marine corps of the United States for a period of not less than  
24 two (2) years and whose service was terminated honorably, shall be eligible for burial in the Rhode  
25 Island veterans' memorial cemetery. The director shall appoint and employ all subordinate officials  
26 and persons needed for the proper management of the cemetery. National guard members who are  
27 killed in the line of duty or who are honorably discharged after completion of at least ~~twenty (20)~~  
28 six (6) years' of service in the Rhode Island national guard and/or reserve and their spouse shall be  
29 eligible for interment in the Rhode Island veterans' memorial cemetery. National guard members  
30 and/or reservists who are honorably discharged after completion of at least six (6) years of service  
31 with another state, and who are a Rhode Island resident for at least two (2) consecutive years  
32 immediately prior to death, shall be eligible, along with their spouse, for interment in the Rhode  
33 Island veterans' memorial cemetery. For the purpose of computing service under this section,  
34 honorable service in the active forces or reserves shall be considered toward the ~~twenty (20)~~ six (6)

1 years of national guard service. The general assembly shall make an annual appropriation to the  
2 department of human services to provide for the operation and maintenance for the cemetery. The  
3 director shall charge and collect a grave liner fee per interment of the eligible spouse and/or eligible  
4 dependents of the qualified veteran, national guard member and/or reservist equal to the  
5 department's cost for the grave liner.

6 (b) No domestic animal shall be allowed on the grounds of the Rhode Island veterans'  
7 memorial cemetery, whether at large or under restraint, except for seeing eye guide dogs, hearing  
8 ear signal dogs or any other service animal, as required by federal law or any personal assistance  
9 animal, as required by chapter 9.1 of title 40. Any person who violates the provisions of this section  
10 shall be subject to a fine of not less than five hundred dollars (\$500).

11 (c) The state of Rhode Island office of veterans services shall bear the cost of all tolls  
12 incurred by any motor vehicles that are part of a veteran's funeral procession, originating from  
13 Aquidneck Island ending at the veterans' memorial cemetery, for burial or internment. The  
14 executive director of the turnpike and bridge authority shall assist in the administration and  
15 coordination of this toll reimbursement program.

16 SECTION 4. Section 36-4-16.4 of the General Laws in Chapter 36-4 entitled "Merit  
17 System" is hereby amended to read as follows:

18 **36-4-16.4. Salaries of directors.**

19 (a) In the month of March of each year, the department of administration shall conduct a  
20 public hearing to determine salaries to be paid to directors of all state executive departments and  
21 secretaries serving as the head of any state executive department or executive office, including but  
22 not limited to, the secretary of the executive office of health and human services, the secretary of  
23 commerce and the secretary of housing for the following year, at which hearing all persons shall  
24 have the opportunity to provide testimony, orally and in writing. In determining these salaries, the  
25 department of administration will take into consideration the duties and responsibilities of the  
26 aforementioned officers, as well as such related factors as salaries paid executive positions in other  
27 states and levels of government, and in comparable positions anywhere that require similar skills,  
28 experience, or training. Consideration shall also be given to the amounts of salary adjustments made  
29 for other state employees during the period that pay for directors and secretaries was set last.

30 (b) Each salary determined by the department of administration will be in a flat amount,  
31 exclusive of such other monetary provisions as longevity, educational incentive awards, or other  
32 fringe additives accorded other state employees under provisions of law, and for which directors  
33 and secretaries are eligible and entitled.

34 (c) In no event will the department of administration lower the salaries of existing directors

1 [and secretaries](#) during their term of office.

2 (d) Upon determination by the department of administration, the proposed salaries of  
3 directors [and secretaries](#) will be referred to the general assembly by the last day in April of that  
4 year to go into effect thirty (30) days hence, unless rejected by formal action of the house and the  
5 senate acting concurrently within that time.

6 (e) Notwithstanding the provisions of this section, for 2022 only, the time period for the  
7 department of administration to conduct the public hearing shall be extended to September and the  
8 proposed salaries shall be referred to the general assembly by October 30. The salaries may take  
9 effect before next year, but all other provisions of this section shall apply.

10 (f) [Deleted by P.L. 2022, ch. 231, art. 3, § 12.]

11 (g) Notwithstanding the provisions of this section or any law to the contrary, for 2023 only,  
12 the salary of the director of the department of children, youth and families shall be determined by  
13 the governor.

14 SECTION 5. Sections 35-1.1-3 and 35-1.1-9 of the General Laws in Chapter 35-1.1 entitled  
15 "Office of Management and Budget" are hereby amended to read as follows:

16 **35-1.1-3. Director of management and budget -- Appointment and responsibilities.**

17 (a) Within the department of administration there shall be a director of management and  
18 budget who shall be appointed by the director of administration with the approval of the governor.  
19 The director shall be responsible to the governor and director of administration for supervising the  
20 office of management and budget and for managing and providing strategic leadership and direction  
21 to the budget officer, the performance management office, and the federal grants management  
22 office.

23 (b) The director of management and budget shall be responsible to:

24 (1) Oversee, coordinate, and manage the functions of the budget officer as set forth by  
25 chapter 3 of this title; program performance management as set forth by § 35-3-24.1; approval of  
26 agreements with federal agencies defined by § 35-3-25; and budgeting, appropriation, and receipt  
27 of federal monies as set forth by chapter 41 of title 42;

28 (2) [Deleted by P.L. 2019, ch. 88, art. 4, § 9];

29 (3) Oversee the director of regulatory reform as set forth by § 42-64.13-6;

30 (4) Maximize the indirect cost recoveries by state agencies set forth by § 35-4-23.1; ~~and~~

31 (5) Undertake a comprehensive review and inventory of all reports filed by the executive  
32 office and agencies of the state with the general assembly. The inventory should include, but not  
33 be limited to: the type, title, and summary of reports; the author(s) of the reports; the specific  
34 audience of the reports; and a schedule of the reports' release. The inventory shall be presented to

1 the general assembly as part of the budget submission on a yearly basis. The office of management  
2 and budget shall also make recommendations to consolidate, modernize the reports, and to make  
3 recommendations for elimination or expansion of each report-; and

4 (6) Conduct, with all necessary cooperation from executive branch agencies, reviews,  
5 evaluations, and assessments on process efficiency, operational effectiveness, budget and policy  
6 objectives, and general program performance.

7 **35-1.1-9. Cooperation of other state executive branch agencies.**

8 (a) The departments and other agencies of the state of the executive branch that have not  
9 been assigned to the executive office of management and budget under this chapter shall assist and  
10 cooperate with the executive office as may be required by the governor and/or requested by the  
11 director of management and budget, ~~this~~. This assistance may include, but not be limited to,  
12 providing analyses and related backup documentation and information, organizational charts and/or  
13 process maps, contractual deliverables, and utilizing staff resources from other departments or  
14 agencies for special projects within a defined period of time to improve processes or performance  
15 within agencies and/or lead to cost savings.

16 (b) Within thirty (30) days following the date of the issuance of a final audit report  
17 completed pursuant to subdivision 35-1.1-2(6), the head of the department, agency or private entity  
18 audited shall respond in writing to each recommendation made in the final audit report. This  
19 response shall address the department's, agency's or private entity's plan of implementation for  
20 each specific audit recommendation and, if applicable, the reasons for disagreement with any  
21 recommendation proposed in the audit report. Within one year following the date on which the  
22 audit report was issued, the office may perform a follow-up audit for the purpose of determining  
23 whether the department, agency or private entity has implemented, in an efficient and effective  
24 manner, its plan of action for the recommendations proposed in the audit report.

25 SECTION 6. Sections 35-3-17.1 and 35-3-24.1 of the General Laws in Chapter 35-3  
26 entitled "State Budget" are hereby amended to read as follows:

27 **35-3-17.1. Financial statements required from state departments, agencies, and**  
28 **instrumentalities.**

29 The several state departments, agencies, and public authorities and corporations shall  
30 submit to the fiscal advisors of the house and senate, statements of financial conditions and  
31 operations within thirty (30) days of the close of each of the first three (3) fiscal quarters of each  
32 year. The statements shall include, at a minimum:

- 33 (1) Account numbers;
- 34 (2) Allotments;

- 1 (3) Expenditures to-date;
- 2 (4) Estimated expenditures to complete the fiscal year; and
- 3 (5) Surplus or deficiency projections.
- 4 (6) Progress on any corrective action plans per the most recent annual findings of the
- 5 auditor general.

6 **35-3-24.1. Program performance measurement.**

7 (a) Beginning with the fiscal year ending June 30, 1997, the governor shall submit, as part

8 of each budget submitted to the general assembly pursuant to § 35-3-7, performance objectives for

9 each program in the budget for the ensuing fiscal year, estimated performance data for the fiscal

10 year in which the budget is submitted, and actual performance data for the preceding two (2)

11 completed fiscal years. Performance data shall include efforts at achieving equal opportunity hiring

12 goals as defined in the department's annual affirmative action plan. The governor shall, in addition,

13 recommend appropriate standards against which to measure program performance. Performance in

14 prior years may be used as a standard where appropriate. These performance standards shall be

15 stated in terms of results obtained.

16 (b) The governor may submit, in lieu of any part of the information required to be submitted

17 pursuant to subsection (a), an explanation of why the information cannot, as a practical matter be

18 submitted.

19 (c)(1) The office of management and budget shall be responsible for managing and

20 collecting program performance measures on behalf of the governor. The office is authorized to

21 conduct performance reviews and audits of agencies to determine ~~progress towards achieving~~

22 ~~performance objectives for programs~~ the manner and extent to which executive branch agencies

23 achieve intended objectives and outcomes.

24 (2) In order to collect performance measures from agencies, review performance and

25 provide recommendations the office of budget and management is authorized to coordinate with

26 the office of internal audit regarding the findings and recommendations that result from audits

27 conducted by the office.

28 (3) In order to facilitate the office of management and budget's performance reviews,

29 agencies must generate and provide timely access to records, reports, analyses, audits, reviews,

30 documents, papers, recommendations, contractual deliverables, or other materials available relating

31 to agency programs and operations.

32 (4) In order to ensure alignment of executive branch agency operations with the state's

33 priorities, the office of management and budget may produce, with all necessary cooperation from

34 executive branch agencies, analyses and recommendations to improve program performance.

1 conduct evidence-based budgeting, and respond to sudden shifts in policy environments.

2 (5) In order to gain insight into performance or outcomes and inform policymaking and  
3 program evaluation, the office of management and budget may lead, manage, and/or coordinate  
4 interagency and cross-system collaboration or integration initiatives.

5 SECTION 7. Section 37-14.1-6 of the General Laws in Chapter 14.1 titled “Minority  
6 Business Enterprise” is hereby amended to read as follows:

7 **37-14.1-6. Minority business enterprise participation.**

8 (a) Minority business enterprises shall be included in all procurements and construction  
9 projects under this chapter and shall be awarded a minimum of ~~ten percent (10%)~~ fifteen percent  
10 (15%) of the dollar value of the entire procurement or project. Of that fifteen percent (15%),  
11 minority business enterprises owned and controlled by a minority owner, as defined in § 37-14.1-  
12 3, shall be awarded a minimum of seven- and one-half percent (7.5%), and minority business  
13 enterprises owned and controlled by a woman shall be awarded a minimum of seven- and one-half  
14 percent (7.5%). Annually, by October 1, the department of administration shall submit a report to  
15 the general assembly on the status of achieving the aforementioned participation requirements in  
16 the most recent fiscal year. The director of the department of administration is further authorized  
17 to establish by rules and regulation the certification process and formulas for giving minority  
18 business enterprises a preference in contract and subcontract awards.

19 (b) Any minority business enterprise currently certified by the U.S. Small Business  
20 Administration as an 8(a) firm governed by 13 C.F.R. part 124 shall be deemed to be certified by  
21 the department of administration as a minority business enterprise and shall only be required to  
22 submit evidence of federal certification of good standing.

23 (c) The provisions of chapter 14.1 of title 37 shall not be waived, including, but not limited  
24 to, during a declared state of emergency.

25 (d) The State of Rhode Island will arrange for a disparity study to evaluate the need for the  
26 development of programs to enhance the participation in state contracts of business enterprises  
27 owned by women and minorities, to be repeated every five (5) years, beginning in fiscal year 2025.

28 SECTION 8. Section 42-28-25 of the General Laws in Chapter 42-28 entitled “State  
29 Police” is hereby amended to read as follows:

30 **42-28-25. State and municipal police training school established.**

31 (a) Within the Rhode Island state police there is hereby created and established a state and  
32 municipal police training school.

33 (b) The superintendent of the state police shall have supervision of the state and municipal  
34 police training academy and shall establish standards for admission and a course of training. The

1 superintendent shall report to the governor and general assembly a plan for a state and municipal  
2 police training academy on or before December 31, 1993. The superintendent shall, in consultation  
3 with the Police Chiefs' Association and the chairperson of the Rhode Island commission on  
4 standards and training make all necessary rules and regulations relative to the admission, education,  
5 physical standards and personal character of the trainees and such other rules and regulations as  
6 shall not be inconsistent with law.

7 (c) Applicants to the state and municipal police training academy shall pay an application  
8 fee in the amount of fifty dollars (\$50.00); provided, however, the superintendent may waive such  
9 application fee if payment thereof would be a hardship to the applicant.

10 (d) Trainees shall pay to the division an amount equal to the actual cost ~~of meals consumed~~  
11 ~~at the state police and municipal police training academy and the actual cost~~ of such training  
12 uniforms which remain the personal property of the trainees.

13 (e) All fees and payments received by the division pursuant to this section shall be  
14 deposited as general revenues.

15 SECTION 9. Section 42-56-20.2 of the General Laws in Chapter 42-56 entitled  
16 "Corrections Department" is hereby amended to read as follows:

17 **42-56-20.2. Community confinement.**

18 (a) **Persons subject to this section.** Every person who shall have been adjudged guilty of  
19 any crime after trial before a judge, a judge and jury, or before a single judge entertaining the  
20 person's plea of nolo contendere or guilty to an offense ("adjudged person"), and every person  
21 sentenced to imprisonment in the adult correctional institutions ("sentenced person") including  
22 those sentenced or imprisoned for civil contempt, and every person awaiting trial at the adult  
23 correctional institutions ("detained person") who meets the criteria set forth in this section shall be  
24 subject to the terms of this section except:

25 (1) Any person who is unable to demonstrate that a permanent place of residence ("eligible  
26 residence") within this state is available to that person; or

27 (2) Any person who is unable to demonstrate that he or she will be regularly employed, or  
28 enrolled in an educational or vocational training program within this state, and within thirty (30)  
29 days following the institution of community confinement; or

30 (3)(i) Any adjudged person or sentenced person or detained person who has been  
31 convicted, within the five (5) years next preceding the date of the offense for which he or she is  
32 currently so adjudged or sentenced or detained, of a violent felony.

33 A "violent felony" as used in this section shall mean any one of the following crimes or an  
34 attempt to commit that crime: murder; manslaughter; sexual assault; mayhem; robbery; burglary;

1 assault with a dangerous weapon; assault or battery involving serious bodily injury; arson; breaking  
2 and entering into a dwelling; child molestation; kidnapping; DWI resulting in death or serious  
3 injury; or driving to endanger resulting in death or serious injury; or

4 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital  
5 felony; or

6 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony  
7 offense involving the use of force or violence against a person or persons. These shall include, but  
8 are not limited to, those offenses listed in subsection (a)(3)(i) of this section; or

9 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or  
10 possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or  
11 possession of a certain enumerated quantity of a controlled substance in violation of § 21-28-4.01.1  
12 or § 21-28-4.01.2; or

13 (v) Any person currently adjudged guilty of, or sentenced for, or detained on an offense  
14 involving the illegal possession of a firearm.

15 (b) **Findings prior to sentencing to community confinement.** In the case of adjudged  
16 persons, if the judge intends to impose a sentence of community confinement, he or she shall first  
17 make specific findings, based on evidence regarding the nature and circumstances of the offense  
18 and the personal history, character, record, and propensities of the defendant that are relevant to the  
19 sentencing determination, and these findings shall be placed on the record at the time of sentencing.  
20 These findings shall include, but are not limited to:

21 (1) A finding that the person does not demonstrate a pattern of behavior indicating a  
22 propensity for violent behavior;

23 (2) A finding that the person meets each of the eligibility criteria set forth in subsection (a)  
24 of this section;

25 (3) A finding that simple probation is not an appropriate sentence;

26 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-  
27 institutional confinement; and

28 (5) A finding that the person will not pose a risk to public safety if placed in community  
29 confinement.

30 The facts supporting these findings shall be placed on the record and shall be subject to  
31 review on appeal.

32 (c) **Community confinement.**

33 (1) There shall be established within the department of corrections, a community  
34 confinement program to serve that number of adjudged persons, sentenced persons, and detainees,

1 that the director of the department of corrections (“director”) shall determine on or before July 1 of  
2 each year. Immediately upon that determination, the director shall notify the presiding justice of  
3 the superior court of the number of adjudged persons, sentenced persons, and detainees that can be  
4 accommodated in the community confinement program for the succeeding twelve (12) months.  
5 One-half (½) of all persons sentenced to community confinement shall be adjudged persons, and  
6 the balance shall be detainees and sentenced persons. The director shall provide to the presiding  
7 justice of the superior court and the family court on the first day of each month a report to set forth  
8 the number of adjudged persons, sentenced persons, and detainees participating in the community  
9 confinement program as of each reporting date. Notwithstanding any other provision of this section,  
10 if on April 1 of any fiscal year less than one-half (½) of all persons sentenced to community  
11 confinement shall be adjudged persons, then those available positions in the community  
12 confinement program may be filled by sentenced persons or detainees in accordance with the  
13 procedures set forth in subsection (c)(2) of this section.

14 (2) In the case of inmates other than those classified to community confinement under  
15 subsection (h) of this section, the director may make written application (“application”) to the  
16 sentencing judge for an order (“order”) directing that a sentenced person or detainee be confined  
17 within an eligible residence for a period of time, which in the case of a sentenced person, shall not  
18 exceed the term of imprisonment. This application and order shall contain a recommendation for a  
19 program of supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3),  
20 (b)(4), and (b)(5) of this section and facts supporting these findings. The application and order may  
21 contain a recommendation for the use of electronic surveillance or monitoring devices. The hearing  
22 on this application shall be held within ten (10) business days following the filing of this  
23 application. If the sentencing judge is unavailable to hear and consider the application the presiding  
24 justice of the superior court shall designate another judge to do so.

25 (3) In lieu of any sentence that may be otherwise imposed upon any person subject to this  
26 section, the sentencing judge may cause an adjudged person to be confined within an eligible  
27 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the  
28 statute the adjudged person has been adjudged guilty of violating.

29 (4) With authorization by the sentencing judge, or, in the case of sentenced persons  
30 classified to community confinement under subsection (h) of this section by the director of  
31 corrections, or in accordance with the order, persons confined under the provisions of this chapter  
32 may be permitted to exit the eligible residence in order to travel directly to and from their place of  
33 employment or education or training and may be confined in other terms or conditions consistent  
34 with the basic needs of that person that justice may demand, including the right to exit the eligible

1 residence to which that person is confined for certain enumerated purposes such as religious  
2 observation, medical and dental treatment, participation in an education or vocational training  
3 program, and counseling, all as set forth in the order.

4 (d) **Administration.**

5 (1) **Community confinement.** The supervision of persons confined under the provisions  
6 of this chapter shall be conducted by the director, or his or her designee.

7 (2) **Intense surveillance.** The application and order shall prescribe a program of intense  
8 surveillance and supervision by the department of corrections. Persons confined under the  
9 provisions of this section shall be subject to searches of their persons or of their property when  
10 deemed necessary by the director, or his or her designee, in order to ensure the safety of the  
11 community, supervisory personnel, the safety and welfare of that person, and/or to ensure  
12 compliance with the terms of that person's program of community confinement; provided,  
13 however, that no surveillance, monitoring or search shall be done at manifestly unreasonable times  
14 or places nor in a manner or by means that would be manifestly unreasonable under the  
15 circumstances then present.

16 (3) The use of any electronic surveillance or monitoring device which is affixed to the body  
17 of the person subject to supervision is expressly prohibited unless set forth in the application and  
18 order or, in the case of sentenced persons classified to community confinement under subsection  
19 (h), otherwise authorized by the director of corrections.

20 (4) **Regulatory authority.** The director shall have full power and authority to enforce any  
21 of the provisions of this section by regulation, subject to the provisions of the Administrative  
22 Procedures Act, chapter 35 of this title. Notwithstanding any provision to the contrary, the  
23 department of corrections may contract with private agencies to carry out the provisions of this  
24 section. The civil liability of those agencies and their employees, acting within the scope of their  
25 employment, and carrying out the provisions of this section, shall be limited in the same manner  
26 and dollar amount as if they were agencies or employees of the state.

27 (e) **Violations.** Any person confined pursuant to the provisions of this section, who is found  
28 to be a violator of any of the terms and conditions imposed upon him or her according to the order,  
29 or in the case of sentenced persons classified to community confinement under subsection (h),  
30 otherwise authorized by the director of corrections, this section, or any rules, regulations, or  
31 restrictions issued pursuant hereto shall serve the balance of his or her sentence in a classification  
32 deemed appropriate by the director. If that conduct constitutes a violation of § 11-25-2, the person,  
33 upon conviction, shall be subject to an additional term of imprisonment of not less than one year  
34 and not more than twenty (20) years. However, it shall be a defense to any alleged violation that

1 the person was at the time of the violation acting out of a necessary response to an emergency  
2 situation. An “emergency situation” shall be construed to mean the avoidance by the defendant of  
3 death or of substantial personal injury, as defined above, to him or herself or to others.

4 (f) **Costs.** Each person confined according to this section shall reimburse the state for the  
5 costs or a reasonable portion thereof incurred by the state relating to the community confinement  
6 of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall  
7 be assessed by the director prior to the expiration of that person’s sentence. Once assessed, those  
8 costs shall become a lawful debt due and owing to the state by that person. Monies received under  
9 this section shall be deposited as general funds.

10 (g) **Severability.** Every word, phrase, clause, section, subsection, and any of the provisions  
11 of this section are hereby declared to be severable from the whole, and a declaration of  
12 unenforceability or unconstitutionality of any portion of this section, by a judicial court of  
13 competent jurisdiction, shall not affect the portions remaining.

14 (h) **Sentenced persons approaching release.** Notwithstanding the provisions set forth  
15 within this section, any sentenced person committed under the direct care, custody, and control of  
16 the adult correctional institutions, who is within one (1) year of the projected good time release  
17 date, provided that the person shall have completed at least one-half (½) of the full term of  
18 incarceration, or any person who is sentenced to a term of six (6) months or less of incarceration,  
19 provided that the person shall have completed at least one-half (½) of the term of incarceration,  
20 may in the discretion of the director of corrections be classified to community confinement. This  
21 provision shall not apply to any person whose current sentence was imposed upon conviction of  
22 murder, first degree sexual assault or first degree child molestation.

23 (i) **Persons sentenced to life without parole with a serious health condition.**  
24 Notwithstanding the provisions set forth within this section, any person sentenced to life without  
25 parole committed under the direct care, custody, and control of the adult correctional institutions,  
26 who has a condition that renders him or her confined to a medical facility and who is sufficiently  
27 physically, mentally or otherwise disabled that the presence of correctional officers provides no  
28 additional safety to the public or the personnel caring for them in that facility, may, in the discretion  
29 of the director of corrections, be classified to community confinement in a medical facility with an  
30 electronic surveillance and/or monitoring device. In consultation with medical professionals, such  
31 an individual shall be removed from community confinement in a medical facility, if their medical  
32 condition improves or resolves to a degree that the presence of correctional officers does enhance  
33 the safety of the public and/or the personnel caring for them in that facility and be subject to a return  
34 to the adult correctional institutions.



1 (2) A national collaborative effort among federal and state policymakers, state officials,  
2 and national education organizations have defined the essential components of a statewide  
3 longitudinal data system; and

4 (3) The RI DataHUB is the state education and workforce longitudinal data system, aligned  
5 to the U.S. Department of Education’s Statewide Longitudinal Data System (SLDS) grant program  
6 and the U.S. Department of Labor’s Workforce Data Quality Initiative grant program.

7 **42-165-3. Definitions.**

8 For the purpose of this chapter, the following terms shall have the following meanings  
9 unless the context clearly requires otherwise:

10 (1) “Participating agency” means the Rhode Island department of education, the office of  
11 the postsecondary commissioner, the Rhode Island department of labor and training, and any  
12 agency that has executed a memorandum of understanding for recurring participation in the Rhode  
13 Island longitudinal data system.

14 (2) “Rhode Island Longitudinal Data System” (RILDS) formerly known as the RI  
15 DataHUB operated by DataSpark, is the current statewide longitudinal data system and will be  
16 located for budgetary purposes in the office of the postsecondary commissioner.

17 (3) “Rhode Island Longitudinal Data System Center” (Center) is comprised of the current  
18 entity known as DataSpark and whatever other resources as necessary to accomplish the powers  
19 and duties prescribed herein.

20 (4) “Statewide integrated data system” or “integrated data system” or “IDS” means an  
21 individual-, family- or unit-level data system that links and integrates records from state data sets  
22 from all major education, economic, health, human service, labor and public safety programs.

23 (5) “Statewide longitudinal data system” or “longitudinal data system” or “SLDS” means  
24 an individual- or unit-level data system that links and integrates records from state datasets  
25 including but not limited to early childhood and prekindergarten, through elementary, secondary,  
26 and postsecondary education, and into the workforce from participating agencies and entities.

27 (6) “State and federal privacy laws” means all applicable state and federal privacy laws  
28 and accompanying regulations, including but not limited to the Federal Family Educational Rights  
29 and Privacy Act and its accompanying regulations (“FERPA”), Health Insurance Probability and  
30 Accountability Act (“HIPAA”), R.I. Gen. Laws § 28-42-38, 20 CFR 603.1 et seq., and any other  
31 privacy measures that apply to the personally identifiable information that is used by the center  
32 and/or becomes part of the RILDS hereunder.

33 **42-165-4. Creation.**

34 (a) The RILDS is hereby established within the office of the postsecondary commissioner

1 and is granted and authorized to use all the powers set forth in this chapter.

2 (b) Functions The RILDS shall:

3 (1) Transmit, store, enable access to, permit the use, and dispose of linked data and  
4 information in accordance with the National Institute of Standards and Technology (NIST)  
5 Cybersecurity Framework and associated NIST 800-53 security controls commensurate with data  
6 sensitivity level and in accordance with all applicable state and privacy laws and state security  
7 policies;

8 (2) Serve as a central repository of the state's inter-agency, longitudinal, linked data;

9 (3) Enable the integration, linkage, and management of information;

10 (4) Report on and provide public access to aggregate data to, among other things, address  
11 inequities in access, opportunities, and outcomes and improve student and educator decision-  
12 making;

13 (5) Provide clarity to university and other researchers on the process to request data and  
14 what data is available to request; and

15 (6) Nothing in this chapter shall negate or otherwise adversely affect the validity and legal  
16 enforceability of any existing data sharing and/or research agreements executed between and  
17 among the states' participating agencies and the state's statewide longitudinal data system.

18 **42-165-5. Governing board.**

19 (a) **Composition of board.** The RILDS will be governed by the Rhode Island longitudinal  
20 data system governing board (the board).

21 (1) The board shall be composed of:

22 (i) The director of the department of administration or designee who serves as one co-chair;

23 (ii) Director of any participating agencies as described in § 42-165-3 and § 42-165-6, or  
24 their designee;

25 (iii) The director of the office of management and budget or designee;

26 (iv) The chief digital officer or designee; and

27 (v) The director of the center, as set forth in § 42-165-7.

28 (vi) the secretary of health and human services or designee; and

29 (vii) the commissioner of postsecondary education who serves as one co-chair.

30 (2) The board shall be overseen by two co-chairs. As co-chair, the director of  
31 administration or designee shall be responsible for overseeing and directing the policy duties and  
32 responsibilities of the board. The other co-chair shall be the commissioner of postsecondary  
33 education who shall be responsible for overseeing, supervising, and directing the operational duties  
34 of the center and its personnel.

1 (b) Powers and Duties. The board shall:

2 (1) In consultation with the center and in accordance with federal and state privacy law,  
3 approve policies regarding how data requests from state and local agencies, the Rhode Island  
4 general assembly, universities, third-party researchers, and the public will be managed;

5 (2) In consultation with the center, approve policies regarding the publishing of reports and  
6 other information that should be available to public stakeholders;

7 (3) Approve standards implemented by the center for the security, privacy, access to, and  
8 confidentiality of data, including policies to comply with the Family Education Rights and Privacy  
9 Act, Health Insurance Probability and Accountability Act, R.I. Gen. Laws § 28-42-38, 20 CFR  
10 603.1 et seq. and any other privacy measures, as required by law, state policy or the board;

11 (4) Perform other functions that are necessary to ensure the successful continuation,  
12 management, and expansion of the RILDS;

13 (5) Establish a data governance committee to work with the center on an ongoing basis to  
14 among other responsibilities, approve data requests;

15 (6) Oversee and collaborate with the data governance committee and the center as set forth  
16 in § 42-165-7; and

17 (7) By November 1, 2023, provide a plan to the Governor, the House and the Senate on  
18 how to establish a statewide integrated data system. The plan should consider elements such as:

19 (i) the role an IDS can play in improving the operation of programs; reduce fraud, waste,  
20 and abuse and establishing a state culture of program evaluation;

21 (ii) providing state agencies with evaluation services and providing state analysts access to  
22 data based on their role;

23 (iii) providing researchers with access to state data;

24 (iv) the importance of data privacy and security;

25 (v) the importance of public transparency and the role of the state transparency portal;

26 (vi) the creation of a state chief data officer;

27 (vii) sustainable funding and governance for the IDS;

28 (viii) the role of data federation; and

29 (ix) the timeline for implementing the IDS.

30 **42-165-6. Participating agencies.**

31 (a) Participating agencies shall transfer data, as applicable, to the RILDS in accordance  
32 with the data security policies as approved by the board, and pursuant to the requirements of state  
33 and federal privacy laws and policies.

34 (b) Any agencies providing data on a recurring basis to the RILDS shall provide a

1 representative to the board and be governed in the same manner as the initial agencies and entities  
2 and shall be subject to applicable board policies.

3 **42-165-7. The Rhode Island longitudinal data system center.**

4 (a) Purpose. The purpose of the center is to manage and operate the RILDS and conduct  
5 research and evaluate programs regarding federal, state, and local programs and policies. The center  
6 shall be managed by an executive director (hereafter the “director”) responsible for the daily  
7 management and operations of the center. The director will also be responsible for interfacing and  
8 collaborating between the board and the data governance committee, as well as external  
9 communications and agreements. The director shall be a non-classified employee of the council on  
10 postsecondary education under the supervision of and subject to the authority of the commissioner  
11 of postsecondary education.

12 **(b) Powers and Duties.**

13 The duties of the center shall be to:

14 (1) Act as an authorized representative, research partner, and business associate of the  
15 state’s agencies, including those responsible for education and workforce, under and in accordance  
16 with the requirements of applicable federal and state statutes and/or state and federal privacy laws  
17 and state security policies;

18 (2) Enter into memoranda of understanding with state agencies, non-profits, universities,  
19 subnational governments, and other entities for the purposes of data sharing and analysis;

20 (3) Coordinate with participating agencies and other entities to ensure the integrity and  
21 quality of data being collected, including implementing the data quality and metadata policies  
22 approved by the board;

23 (4) Advance research and allow policymakers to explore critical research policy questions  
24 and to measure investments in education and workforce development;

25 (5) In consultation with the board, identify the state’s critical research and policy questions;

26 (6) Provide analysis and reports that assist with evaluating programs and measuring  
27 investments, subject to the policies approved by the board;

28 (7) Implement policies and procedures approved by the board that govern the security,  
29 privacy, access to, and confidentiality of the data, in accordance with relevant federal and state  
30 privacy laws;

31 (8) Ensure that information contained in and available through the RILDS is kept secure,  
32 and that individual privacy is protected, and maintain insurance coverage;

33 (9) Respond to approved research data requests in accordance with the policies and  
34 procedures approved by the board;

1           (10) Enter into contracts or other agreements with appropriate entities, including but not  
2 limited to universities, and federal, state, and local agencies, to the extent necessary to carry out its  
3 duties and responsibilities only if such contracts or agreements incorporate adequate protections  
4 with respect to the privacy and security of any information to be shared, and are approved, in  
5 writing, by the applicable agency whose data or information is to be shared, and are allowable  
6 under applicable state and federal privacy laws; and

7           (11) Maintain staff necessary to carry out the above duties as provided for in the state  
8 budget. Staff at the center shall be non-classified employees of the council on postsecondary  
9 education, under the supervision of and subject to the authority of the commissioner of  
10 postsecondary education. The non-SLDS activity of the center shall also be under the supervision  
11 and authority of the commissioner of postsecondary education and the council on postsecondary  
12 education. The council on postsecondary education, its office of the postsecondary commissioner,  
13 and its employees shall be included under the limitation of damages for tort liability for the State  
14 set out in §§ 9-31-1 et seq., for all actions involving the center regarding the RILDS and/or SLDS  
15 and for any other activity of the center regarding its receipt, storage, sharing and transmission of  
16 data as part of its non-SLDS operations and activities.

17           (12) The council on postsecondary education shall be the employer of public record for the  
18 Center.

19           (c) **Funding.** Appropriations made pursuant to this Act shall be used exclusively for the  
20 development and operation of RILDS.

21           (1) The board and the center may implement a data request fee policy to compensate for  
22 excessive use of the data system, to recover costs that would otherwise typically be borne by the  
23 requesting data researcher, or both. A data request fee policy implemented pursuant to this section  
24 shall be reviewed and approved by the board, revised periodically, and made publicly available and  
25 posted in a prominent location on the RILDS's internet website.

26           (2) The center may receive funding for its operation of the RILDS from the following  
27 sources:

28           (a) State appropriations;

29           (b) Federal grants;

30           (c) User fees; and

31           (d) Any other grants or contributions from public agencies or other entities.

32           (e) There is hereby established a restricted receipt account in the general fund of the state  
33 and housed in the budget of the office of postsecondary commissioner entitled "longitudinal data  
34 system- non-federal grants." The express purpose of this account is to record receipts and

1 [expenditures of the program herein described and established within this section.](#)

2 SECTION 11. Sections 46-12.9-3, 46-12.9-5 and 46-12.9-11 of the General Laws in  
3 Chapter 46-12.9 entitled "Rhode Island Underground Storage Tank Financial Responsibility Act"  
4 are hereby amended to read as follows:

5 **46-12.9-3. Definitions.**

6 When used in this chapter:

7 ~~(1) "Advisory board" means the Rhode Island underground storage tank financial~~  
8 ~~responsibility advisory board established pursuant to the provisions of § 46-12.9-8.~~

9 ~~(2)~~(1) "Department" means the Rhode Island department of environmental management.

10 ~~(3)~~(2) "Director" means the director of the department of environmental management, or  
11 his or her designee.

12 ~~(4)~~(3) "Eligible costs" means costs, expenses, and other obligations as incurred by a  
13 responsible party for site investigation, site remediation, or other corrective action activities ordered  
14 or directed, and approved, by the department or performed by the responsible party and not  
15 specifically identified by the department as ineligible.

16 ~~(5)~~(4) "Facility" means any parcel of real estate or contiguous parcels of real estate owned  
17 and/or operated by the same person(s), which together with all land, structures, facility components,  
18 improvements, fixtures, and other appurtenances located therein, form a distinct geographic unit  
19 and at which petroleum products or hazardous materials are or have been stored in underground  
20 storage tanks.

21 ~~(6)~~(5) "Fund" means the Rhode Island underground storage tank financial responsibility  
22 fund established herein.

23 ~~(7)~~(6) "Operator" means any person in control of, or having the responsibility for, the daily  
24 operation of an underground storage tank system.

25 ~~(8)~~(7) "Owner" means any person, corporation, group, or other entity who or that holds  
26 exclusive or joint title to, or lawful possession of, a facility or part of a facility.

27 ~~(9)~~(8) "Petroleum product" means crude oil, or any fractions thereof, that is liquid at  
28 standard conditions of temperature sixty degrees Fahrenheit (60°F) and pressure fourteen and seven  
29 tenths pounds per square inch absolute (14.7 psia) and includes substances derived from crude oil  
30 including, but not limited to, the following:

- 31 (i) Gasoline;
- 32 (ii) Fuel Oils;
- 33 (iii) Diesel Oils;
- 34 (iv) Waste Oils;

1 (v) Gasohol, lubricants and solvents.

2 ~~(+9)~~(9) "Release" means any spilling, leaking, pumping, pouring, injecting, emitting,  
3 escaping, leaching, discharging, or disposing of any material stored in an underground storage tank  
4 system subject to these regulations into groundwater, surface water, soil, air, or any other  
5 environmental media.

6 ~~(+1)~~(10) "Responsible party" means the person or persons liable for release of petroleum  
7 or the remediation of a release.

8 ~~(+2)~~(11) "Site" means any location at which, or from which, there has been a release of  
9 petroleum associated with an underground storage tank or an underground storage tank system, or  
10 any location to which such petroleum has migrated.

11 ~~(+3)~~(12) "UST" or "Underground storage tank system" means any one or more  
12 underground tanks, and their associated components, including piping, used to contain, transport,  
13 or store petroleum product or hazardous material whose volume is ten percent (10%) or more  
14 beneath the surface of the ground.

15 **46-12.9-5. Purpose of fund.**

16 (a) The purpose of the fund shall be to facilitate the clean-up of releases from leaking  
17 underground storage tanks, underground storage tank systems, including those located on sites in  
18 order to protect the environment, including drinking water supplies and public health.

19 (b) The fund shall provide reimbursement to responsible parties for the eligible costs  
20 incurred by them as a result of releases of certain petroleum from underground storage tanks or  
21 underground storage tank systems as provided herein. Monies in the fund shall be dispensed only  
22 upon the order of the department for the following purposes:

23 (1) The fund shall pay not more than one million dollars (\$1,000,000) per incident, and up  
24 to two million dollars (\$2,000,000) in the aggregate, for damages of eligible costs, as defined in  
25 regulations promulgated hereunder and, as further defined in § 46-12.9-3, excluding legal costs and  
26 expenses, incurred by a responsible party as a result of a release of petroleum from an underground  
27 storage tank or underground storage tank system; provided, however, that a responsible party may  
28 be responsible for the first twenty thousand dollars (\$20,000) of said eligible costs;

29 (2) Reimbursement for any third-party claim including, but not limited to, claims for bodily  
30 injury, property damage, and damage to natural resources that are asserted against a responsible  
31 party and that have arisen as a result of a release of petroleum from an underground storage tank  
32 or underground storage tank system, in an amount not to exceed one million dollars (\$1,000,000)  
33 for each release as set forth in subsection (b)(1); provided, that such claims are found by the  
34 department to be justified, reasonable, related to the release of petroleum, and not excessive or

1 spurious in nature;

2 (3) Costs incurred by the department in carrying out the investigative, remedial, and  
3 corrective action activities at sites of a petroleum release associated with an underground storage  
4 tank or underground storage tank system where the responsible party fails to comply with an order  
5 of the department to undertake such activities. In the event of such failure or documented inability  
6 to comply, the department may access the fund to perform the ordered work and may proceed to  
7 recover from the responsible party, on behalf of the fund, any amount expended from the fund by  
8 the department;

9 (4) Nothing contained in this chapter shall be construed to prevent subrogation by the state  
10 of Rhode Island against any responsible party, other than the owner and/or operator, for all sums  
11 of money that the fund shall be obligated to pay hereunder, plus reasonable attorney's fees and costs  
12 of litigation and such right of subrogation is hereby created; and

13 (5) Eligible costs incurred by the department to support the fund, including, but not limited  
14 to, all personnel support to process and review claims in order to formulate recommendations for  
15 reimbursement for consideration, ~~and providing meeting space for board meetings~~; provided,  
16 however, that no more than five hundred and fifty thousand dollars (\$550,000) shall be dispensed  
17 from the fund for administrative purposes during any fiscal year. The department shall directly  
18 access the fund, pursuant to the limits set forth in subdivision (b)(1) of this section, to pay for such  
19 expenses.

20 (6) [Deleted by P.L. 2016, ch. 148, § 1 and P.L. 2016, ch. 160, § 1].

21 **46-12.9-11. Fundings.**

22 (a) There is hereby imposed an environmental protection regulatory fee of one cent (\$0.01)  
23 per gallon payable of motor fuel, to be collected by distributors of motor fuel when the product is  
24 sold to owners and/or operators of underground storage tanks. Each distributor shall be responsible  
25 to the tax administrator for the collection of the regulatory fee, and if the distributor is unable to  
26 recover the fee from the person who ordered the product, the distributor shall nonetheless remit to  
27 the tax administrator the regulatory fee associated with the delivery. In accordance with the  
28 regulations to be promulgated hereunder, the fee shall be collected, reported, and paid to the Rhode  
29 Island division of taxation as a separate, line-item entry, on a quarterly tax report by those persons  
30 charged with the collection, reporting, and payment of motor fuels taxes. This fee shall be  
31 administered and collected by the division of taxation. Notwithstanding the provisions of this  
32 section, the fee shall not be applicable to purchases by the United States government.

33 (b) Of the one-cent-per-gallon (\$0.01) environmental protection regulatory fee collected  
34 by distributors of motor fuel and paid to the Rhode Island division of taxation, one-half cent

1 (\$0.005) shall be deposited in the intermodal surface transportation fund to be distributed pursuant  
2 to § 31-36-20 and one-half cent (\$0.005) shall be paid to the fund. All environmental protection  
3 regulatory fees paid to the department shall be received by the department, which shall keep such  
4 money in a distinct, interest-bearing, restricted-receipt account to the credit of, and for the exclusive  
5 use of, the fund provided that for the period January 1, 2008, through June 30, 2008, all revenues  
6 generated by the environmental protection regulatory fee, up to a maximum of two million dollars  
7 (\$2,000,000), shall be deposited into the general fund. In fiscal year 2009, all revenues generated  
8 by the environmental protection regulatory fee, up to a maximum equivalent to two million two  
9 hundred thirty-seven thousand five hundred dollars (\$2,237,500), shall be deposited into the  
10 intermodal surface transportation fund. All fees collected may be invested as provided by law and  
11 all interest received on such investment shall be credited to the fund.

12 (c) When the fund reaches the sum of eight million dollars (\$8,000,000), the imposition of  
13 the fee set forth in this chapter shall be suspended, and the division of taxation shall notify all  
14 persons responsible for the collection, reporting, and payments of the fee of the suspension. In the  
15 event that the account balance of the fund subsequently is reduced to a sum less than five million  
16 dollars (\$5,000,000) as a result of fund activity, the fee shall be reinstated by the division of  
17 taxation, following proper notice thereof, and once reinstated, the collection, reporting, and  
18 payment of the fee shall continue until the account balance again reaches the sum of eight million  
19 dollars (\$8,000,000).

20 (d) Upon the determination by ~~the advisory board and~~ the department that the fund has  
21 reached a balance sufficient to satisfy all pending or future claims, the ~~advisory board~~ department  
22 shall recommend to the general assembly the discontinuation of the imposition of the fee created  
23 in this section.

24 SECTION 12. Section 46-12.9-8 of the General Laws in Chapter 46-12.9 entitled "Rhode  
25 Island Underground Storage Tank Financial Responsibility Act" is hereby repealed.

26 ~~**46-12.9-8. Advisory board.**~~

27 ~~(a) There is hereby authorized, created, and established the "underground storage tank  
28 advisory board," to have such powers as are provided herein.~~

29 ~~(b) The advisory board shall consist of seven (7) members, as follows: the director of the  
30 department of environmental management, or his or her designee, who shall be a subordinate within  
31 the department of environmental management. The governor, with the advice and consent of the  
32 senate, shall appoint six (6) public members, one of whom shall have expertise and experience in  
33 financial matters. In making these appointments the governor shall give due consideration to  
34 recommendations from the American Petroleum Institute, the Independent Oil Marketers~~

1 ~~Association, the Oil Heat Institute, the Environment Council, the Independent Oil Dealers~~  
2 ~~Association, and the Rhode Island Marine Trade Association. The newly appointed members will~~  
3 ~~serve for a term of three (3) years commencing on the day they are qualified. Any vacancy which~~  
4 ~~may occur on the board shall be filled by the governor, with the advice and consent of the senate,~~  
5 ~~for the remainder of the unexpired term in the same manner as the member's predecessor as~~  
6 ~~prescribed in this section. The members of the board shall be eligible to succeed themselves.~~  
7 ~~Members shall serve until their successors are appointed and qualified. No one shall be eligible for~~  
8 ~~appointment unless he or she is a resident of this state. The members of the board shall serve without~~  
9 ~~compensation. Those members of the board, as of the effective date of this act [July 15, 2005], who~~  
10 ~~were appointed to the board by members of the general assembly, shall cease to be members of the~~  
11 ~~board on the effective date of this act, and the governor shall thereupon nominate three (3)~~  
12 ~~members, each of whom shall serve the balance of the unexpired term of his or her predecessor.~~  
13 ~~Those members of the board, as of the effective date of this act [July 15, 2005], who were appointed~~  
14 ~~to the board by the governor, shall continue to serve the balance of their current terms. Thereafter,~~  
15 ~~the appointments shall be made by the governor as prescribed in this section.~~

16 ~~(c) The advisory board shall meet at the call of the chair. All meetings shall be held~~  
17 ~~consistent with chapter 46 of title 42.~~

18 ~~(d) The advisory board and its corporate existence shall continue until terminated by law.~~  
19 ~~Upon termination of the existence of the advisory board, all its rights and properties shall pass to~~  
20 ~~and be vested in the state.~~

21 ~~(e) The advisory board shall have the following powers and duties, together with all powers~~  
22 ~~incidental thereto or necessary for the performance of those stated in this chapter:~~

23 ~~(1) To elect or appoint officers and agents of the advisory board, and to define their duties:~~

24 ~~(2) To make and alter bylaws, not inconsistent with this chapter, for the administration of~~  
25 ~~the affairs of the advisory board. Such bylaws may contain provisions indemnifying any person~~  
26 ~~who is, or was, a director or a member of the advisory board, in the manner and to the extent~~  
27 ~~provided in § 7-6-6 of the Rhode Island nonprofit corporation act;~~

28 ~~(3) To oversee, review, and evaluate the condition and performance of the underground~~  
29 ~~storage tank fund and approve and submit an annual report after the end of each fiscal year to the~~  
30 ~~governor, the speaker of the house of representatives, the president of the senate, and the secretary~~  
31 ~~of state, of its activities during that fiscal year. The report shall provide information provided by~~  
32 ~~the department, including: an operating statement summarizing meetings held, including meeting~~  
33 ~~minutes, subjects addressed, and decisions rendered; a summary of the advisory board's actions,~~  
34 ~~fees levied, collected, or received, as prescribed in §§ 46-12.9-7 and 46-12.9-11, claims submitted,~~

1 ~~verified, approved, modified, and denied, as prescribed in § 46-12.9-7, and reconsideration hearings~~  
2 ~~held; a synopsis of any law suits or other legal matters related to the fund; and a summary of~~  
3 ~~performance during the previous fiscal year, including accomplishments, shortcomings, and~~  
4 ~~remedies; a briefing on anticipated activities in the upcoming fiscal year; and findings and~~  
5 ~~recommendations for improvements; and a summary of any training courses held pursuant to~~  
6 ~~subdivision (e)(4). The report shall be posted electronically as prescribed in § 42-20-8.2. The~~  
7 ~~advisory board may make recommendations or suggestions on the claims process and/or the~~  
8 ~~condition and management of the fund, and the department shall respond, in writing, to any of these~~  
9 ~~suggestions or recommendations; and~~

10 ~~(4) To conduct a training course for newly appointed and qualified members and new~~  
11 ~~designees of ex-officio members within six (6) months of their qualification or designation. The~~  
12 ~~course shall be developed by the executive director, approved by the board, and conducted by the~~  
13 ~~executive director. The board may approve the use of any board or staff members or other~~  
14 ~~individuals to assist with training. The training course shall include instruction in the following~~  
15 ~~areas: the provisions of chapter 12.9 of title 46, chapter 46 of title 42, chapter 14 of title 36 and~~  
16 ~~chapter 2 of title 38; and the board's rules and regulations. The director of the department of~~  
17 ~~administration shall, within ninety (90) days of the effective date of this act [July 15, 2005], prepare~~  
18 ~~and disseminate training materials relating to the provisions of chapter 14 of title 36, chapter 2 of~~  
19 ~~title 38, and chapter 46 of title 42.~~

20 ~~(f) Upon the passage of this act and the appointment and qualification of the three (3) new~~  
21 ~~members prescribed in subsection (b), the board shall elect, from among its members, a chair.~~  
22 ~~Thereafter, the board shall elect annually, in February, a chair from among the members. The board~~  
23 ~~may elect, from among its members, such other officers as it deems necessary.~~

24 ~~(g) Four (4) members of the board shall constitute a quorum and the vote of the majority~~  
25 ~~of the members present shall be necessary and shall suffice for any action taken by the board. No~~  
26 ~~vacancy in the membership of the board shall impair the right of a quorum to exercise all of the~~  
27 ~~rights and perform all of the duties of the board.~~

28 ~~(h) Members of the board shall be removable by the governor pursuant to § 36-1-7 and~~  
29 ~~removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall~~  
30 ~~be unlawful.~~

31 SECTION 13. This article shall take effect upon passage.